



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,997	04/02/2001	Gilbert Levesque	064731.0218	1332

7590 06/23/2004

Baker Botts L.L.P.  
2001 Ross Avenue  
Dallas, TX 75201-2980

EXAMINER
----------

SALL, EL HADJI MALICK

ART UNIT	PAPER NUMBER
----------	--------------

2157

6

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/824,997

Applicant(s)

LEVESQUE ET AL.

Examiner

El Hadji M Sall

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 02 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 19 and 20 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2157

**1. DETAILED ACTION**

This action is responsive to the application filed on April 2, 2001. Claims 1-20 are pending.

**2. Election/Restrictions**

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-18, drawn to computer network managing implementing classified in class 709, subclass 223.

Group II, claim(s) 19-20, drawn to computer-to-computer data modifying implementing classified in class 709, subclass 246.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as monitoring a transaction in SNMP environment. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Kurt Pankratz (Registration No. 46,977) on June 17, 2004 a provisional election was made without traverse to

Art Unit: 2157

prosecute the invention of group I, claims 1-18.

Applicant in replying to this Office action must make affirmation of this election. Claims 19-20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

3.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2157

4. Claim 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Dong et al. U.S. 6,571,275.

Dong teaches the invention as claimed including method and apparatus for filtering messages in a data processing system (see abstract).

As to claim 1, Dong teaches a method for processing a network management message comprising:  
receiving a network management message (column 2, line 34, Dong discloses a message is received);  
parsing the network management message into a plurality of fields (column 2, lines 35-36, Dong discloses the message is parsed according to a policy); and for each of a plurality of client consoles each having filtering criteria, if the fields satisfy the filtering criteria, communicating the fields to the client console for display by the client console (column 7, lines 51-55, Dong discloses when the filter is set ...the filter applies immediately to the full set of messages in storage. Only those messages meeting the filter criteria are displayed).

As to claim 2, Dong teaches the method of Claim 1, wherein the network management message comprises American Standard Code for Information Interchange (ASCII) text (figure 6).

As to claim 3, Dong teaches the method of Claim 1, wherein the filtering criteria for each of the client consoles comprises a message type (column 5, lines 57-59, Dong discloses a filter is used to process messages for presentation...based on the content of the message).

As to claim 4, Dong teaches the method of Claim 1, wherein the filtering criteria for each of the client consoles comprise a user type for the client console (column 7, lines 51-55, Dong discloses when the filter is set to include only

Art Unit: 2157

messages from certain people...only those messages meeting the filter criteria are displayed in GUI 622).

As to claim 5, Dong teaches the method of Claim 1, wherein the filtering criteria comprise a message type and a user type, and the fields satisfy the filtering criteria if a value for a selected one of the fields matches the message type and the user type indicates an authorization to receive the message (figure 7).

As to claim 6, Dong teaches the method of claim 1, comprising: receiving a request from a new client console, the request comprising an identifier for the new client console filtering options selected for the new client console (column 8, lines 13-17, Dong discloses the process begins by awaiting user input...the arrival of a new message...is stored in a storage device...determination is made as to whether the message match the filter); determining a user type for the new client console based on the identifier (column 8, lines 31-34, Dong discloses...all the names associated with a group name or distribution list will be used as criteria...) ; and generating filtering criteria for the new client console based on the filtering options and the user type (column 5, lines 42-44, Dong discloses...the filter of the present invention may use meta-data such as group of names in setting the rules of criteria for filtering messages)

As to claim 7, Dong teaches the method in claim 6, further comprising generating an entry in a filter table comprising the identifier and the filtering criteria (figure 6).

As to claim 8, Dong teaches the method of claim 11, wherein the network management message comprises a response from a command issued by client, further comprising:

Art Unit: 2157

determining a message identifier from the fields (column 7, lines 12-13, Dong discloses selection of key words within the message may be used to filter messages by selecting box 610 and entering the keyword in field 614); determining a client identifier associated with the message identifier (column 7, lines 35-38, Dong discloses the user has selected selection 606, and has selected to set filtering properties to filter text strings from both the "from" field and from anywhere in the message through selection of boxes 608 and 610); identifying the client based on the client identifier (column 7, lines 50-52, Dong discloses when the filter is set to include only messages from certain people...); generating a second message comprising the fields and the client identifier (column 7, lines 20-21, Dong discloses fields 612 and 614 are values for the attributes on which to filter); and communicating the second message to the client (column 7, lines 21-24, Dong discloses...if the user is satisfied with the filter settings or properties, "okay" button...may be used to exit GUI ...and store the filter settings and properties).

Claims 9-17 do not teach or define any new limitations above claims 1-8 and therefore are rejected for similar reasons.

**5. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2157

6. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hyndman et al. U.S. 6,449,643 in view of Foley et al. U.S. 6,487,590.

Hyndman teaches the invention substantially as claimed including access control with just-in-time resource discovery (see abstract).

As to claim 18, Hyndman teaches the server operable to receive the CORBA command, to determine fields for a transaction language 1 (TL1) command based on the CORBA command, to generate the TL1 command using the fields, to communicate the TL1 command to the network element (figure 1), and, for each of a plurality of client consoles each having filtering criteria, if the fields satisfy the filtering criteria, to communicate the fields to the client console for display by the client console (figure 5).

Hyndman fails to teach a client operable to generate a common object request broker architecture (CORBA) command to target at a network element and to communicate and to communicate the CORBA command to a server.

However, Foley teaches the method for controlling a network element from a remote workstation. Foley teaches a client operable to generate a common object request broker (CORBA) command targeted at a network element and to communicate the CORBA command to a server (column 3, lines 51-59, Foley discloses the interface 26 (EMAPI) is the definition of the objects, attributes and operations that comprise the protocol used between client applications and the server to manage network elements. The EMAPI uses the industry standard CORBA...).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hyndman in view of Foley to allow a client to generate a CORBA command to a server. One would have been motivated to so to provide distribution of the objects and their operations and to allow for the implementation of the client and the server to be on different computer architecture.



Art Unit: 2157

7.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 703-306-4153. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall  
Patent Examiner  
Art Unit: 2157



**SALEH NAJJAR**  
**PRIMARY EXAMINER**